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09/767,496	01/24/2001	Franciscus Theodorus Cornelis Geerts	8553/201	2695

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EXAMINER

LA, ANH V

ART UNIT

PAPER NUMBER

2632

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7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/767,496

Applicant(s)

Geerts

Examiner

Anh La

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Jul 15, 2002

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 19-51 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 19-51 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

6) Other: _____

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DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19, 21-30, 33-37, 42, 47, and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Root in view of Pong.

Regarding claims 19 and 21, Root discloses a system comprising an unmanned weather detecting unit 16 having at least two sensors consisting of a temperature sensor, an air humidity sensor, (column 8, line 45 to col. 9, line 20), an air velocity sensor, and an air pressure sensor (col. 7, lines 25-45). The unmanned weather detecting unit 16 can be used everywhere as desired by the user (col. 1, lines 5-65), therefore, it is clearly seen that the unmanned weather detecting unit 16 can be used in a stable for determining the meteorological conditions in the stable. Root does not disclose an unmanned vehicle being provided with the sensors. Pong discloses the use of an unmanned vehicle 10 that has light detection means 40, 42, 44, attached on the surface of the vehicle. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include an unmanned vehicle having light detection means being provided with the weather sensors to the system of Root as taught by Pong for the purpose of determining the meteorological conditions in that area since Root teaches the unmanned weather detecting unit 16 being used everywhere.

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Regarding claim 22, Root discloses an air pressure sensor (col. 7, lines 25-45).

Regarding claim 23, Root discloses an air humidity sensor (col. 8, lines 45-55).

Regarding claim 24, Root discloses an air pressure sensor (col. 7, lines 25-45) and an air humidity sensor (col. 8, lines 45-55).

Regarding claims 25-26, Root as modified by Pong clearly teaches the sensors being disposed at different levels on a carrier which is part of the vehicle and being adjustable in height relative to the vehicle (because unit 16 is attached to the surface of the vehicle). Also, it is noted that the sensors are disposed at different levels on the unit 16.

Regarding claim 27, Root discloses a data processing unit that stores data from the sensors (see figures 2A-3).

Regarding claim 28, Root discloses a processing unit that processes data from the sensors (see figures 2A-3).

Regarding claim 29, Root discloses a control unit (see figures 2A-3).

Regarding claim 30, Root discloses a memory for registering data from the sensors (see figures 2A-3).

Regarding claim 33, Root discloses a transmitter unit and a register unit (see figures 2A-3).

Regarding claim 34, Root discloses a transmitter unit and a register unit (see figures 2A-3).

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Regarding claim 35, Root discloses a transmitter unit and a control unit (see figures 2A-3).

Regarding claim 36, Root discloses a transmitter unit and a control unit (see figures 2A-3).

Regarding claim 37, Root in view of Pong discloses all the claimed subject matter as set forth above in the rejection of claim 19, but does not disclose a navigation means. Pong further discloses a navigation means (col. 1, lines 24-26). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a navigation means to the system of Root as taught by Pong for the purpose of guiding the vehicle through the stable. It is clearly seen that the unmanned vehicle 10 of Pong is a floor cleaning machine. It would have been obvious to use the unmanned vehicle 10 of Pong in a stable for cleaning the floor in the stable as desired.

Regarding claim 42, Root discloses a data management system (fig. 2A-3).

Regarding claim 47, the Root as modified by Pong teaches all the claimed subject matter as set forth above in the rejection of claims 19, 25, and 26.

Regarding claim 48, Root discloses a system comprising an unmanned weather detecting unit 16 having a detection means (column 8, line 45 to col. 9, line 20) for determining the climate. The unmanned weather detecting unit 16 can be used everywhere as desired by the user (col. 1, lines 5-65), therefore, it is clearly seen that the unmanned weather detecting unit 16 can be used in a stable for determining the climate in the stable. Root does not disclose an unmanned

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vehicle being provided with the climate detection means. Pong discloses the use of an unmanned vehicle 10 that has light detection means 40, 42, 44, attached on the surface of the vehicle. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include an unmanned vehicle being provided with the climate detection means to the system of Root as taught by Pong for the purpose of determining the climate in that area since Root teaches the unmanned weather detecting unit 16 being used everywhere.

Regarding claim 49, Root discloses a temperature sensor (col. 8, line 45- col. 9, line 20).

Regarding claims 50-51, Root discloses a system comprising an unmanned weather detecting unit 16 having a set of sensors consisting of a temperature sensor, an air humidity sensor, (column 8, line 45 to col. 9, line 20), an air velocity sensor, and an air pressure sensor (col. 7, lines 25-45). The unmanned weather detecting unit 16 can be used everywhere as desired by the user (col. 1, lines 5-65), therefore, it is clearly seen that the unmanned weather detecting unit 16 can be used in a stable for determining the meteorological conditions in the stable. Root does not disclose an unmanned vehicle being provided with two set of sensors with one of the sets being mounted on an elevating means of the vehicle. Pong discloses the use of an unmanned vehicle 10 that has light intensity detection means 40, 42, 44, mounted on the vehicle by an elevating means (see figure 1). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include an unmanned vehicle having light intensity detection means being provided with the set of sensors mounted on the vehicle by an elevating means to the system of Root as taught by Pong for the purpose of determining the meteorological

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conditions in that area since Root teaches the unmanned weather detecting unit 16 being used everywhere. It is clearly seen that the unmanned vehicle 10 of Pong is a floor cleaning machine. It would have been obvious to use the unmanned vehicle 10 of Pong in a stable for cleaning the floor in the stable as desired. Regarding the two sets of sensors, it would have been obvious to have two sets of sensors mounted on the vehicle as desired for the purpose of accurately determining the meteorological conditions.

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Root in view of Pong as applied to claim 19 above, and further in view of Taylor.

Regarding claim 20, Root in view of Pong discloses all the claimed subject matter as set forth above in the rejection of claim 19, but does not disclose a gas sensor which senses ammonia. Taylor teaches the use of a gas sensor which senses ammonia (col. 2, line 65-col. 3, line 8). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a gas sensor which senses ammonia to the system of Root (modified by Pong) as taught by Taylor for the purpose of monitoring the meteorological conditions in the stable.

4. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Root in view of Pong as applied to claim 19 above, and further in view of Holzel.

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Regarding claims 31-32, Root in view of Pong discloses all the claimed subject matter as set forth above in the rejection of claim 19, but does not disclose alarm means. Holzel teaches the use of alarm means (col. 6, lines 34-35). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include alarm means to the system of Root (modified by Pong) as taught by Taylor for the purpose of providing an alarm signal when the climate in the stable has become uncontrollable.

5. Claims 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Root in view of Pong as applied to claim 19 above, and further in view of Hurnik.

Regarding claims 38-41, Root in view of Pong discloses all the claimed subject matter as set forth above in the rejection of claim 19, but does not disclose an animal identification system, a camera, and a radar. Hurnik teaches the use of an animal identification system (col. 2, lines 50-59), a camera (col. 2, line 40), and a radar (fig. 1). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include an animal identification system, a camera, and a radar to the system of Root (modified by Pong) as taught by Hurnik for the purpose of monitoring the animals in the stable.

6. Claims 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Root in view of Pong as applied to claim 19 above, and further in view of Pratt.

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Regarding claims 43-46, Root in view of Pong discloses all the claimed subject matter as set forth above in the rejection of claim 19, but does not disclose feed modification means. Pratt teaches the use of feed modification means 26 (col. 4, lines 40-58, col. 6, lines 5-22). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include feed modification means to the system of Root (modified by Pong) as taught by Pratt for the purpose of modifying the quantity of feed supplied to animals in the stable when the climate in the stable changes. Regarding the temperature of 4 degrees in C, it would have been obvious to set a predetermined temperature as desired for the purpose of modifying the quantity of feed supplied to animals in the stable when temperature drops below a predetermined temperature.

Answers to Remarks

7. Applicant's arguments filed on July 15, 2002 have been fully considered.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

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teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, Root discloses a system comprising an unmanned weather detecting unit 16 having at least two sensors consisting of a temperature sensor, an air humidity sensor, (column 8, line 45 to col. 9, line 20), an air velocity sensor, and an air pressure sensor (col. 7, lines 25-45). The unmanned weather detecting unit 16 can be used everywhere as desired by the user (col. 1, lines 5-65), therefore, it is clearly seen that the unmanned weather detecting unit 16 can be used in a stable for determining the meteorological conditions in the stable. Pong discloses the use of an unmanned vehicle 10 that has light detection means 40, 42, 44, mounted on the surface of the vehicle. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include an unmanned vehicle having light detection means being provided with the weather sensors to the system of Root as taught by Pong for the purpose of determining the meteorological conditions in that area since Root teaches the unmanned weather detecting unit 16 being used everywhere.

Applicant has argued that the background of invention is the vehicles for cleaning stable floors. It is clearly seen that the unmanned vehicle 10 of Pong is a floor cleaning machine. It would have been obvious to use the unmanned vehicle 10 of Pong in a stable for cleaning the floor in the stable as desired.

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Applicant has argued that the forecasting apparatus of Root is not appropriate to determine the climate within a stable. This argument is not persuasive. The unmanned weather detecting unit 16 of Root is used for measuring the meteorological condition in a specific area. Because the unmanned weather detecting unit 16 can be used everywhere as desired by the user (col. 1, lines 5-65), therefore, it is clearly seen that the unmanned weather detecting unit 16 can be used in a stable for determining the meteorological conditions in the stable. It is also noted that the unmanned weather detecting unit 16 includes most of the limitations in the claims such as a temperature sensor, an air humidity sensor, (column 8, line 45 to col. 9, line 20), an air velocity sensor, and an air pressure sensor (col. 7, lines 25-45).

In response to applicant's argument that the combination of Root, Pong, and Hurnik is not obvious, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

Applicant has argued that the system of Pratt is not for individual animals. This argument is not persuasive. The system of Pratt is used for feeding individual animals (see column 1, lines 1-17).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner La whose telephone number is (703) 305-3967. The examiner can normally be reached on Monday--Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Daniel J. Wu, can be reached at (703)-308-6730. The fax phone number for this Group is (703) 872-9314.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Anh V. La
October 21, 2002